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EXAMINER

PHUONG, DAI

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

08/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/668,687	RADPOUR, ASSAD	
	Examiner	Art Unit	
	DAI A. PHUONG	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8, 29, 31, 47-51 and 53-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 29, 31, 47-51 and 53-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/04/2008 has been entered.

Response to Amendment

2. Applicant's arguments, filed 06/04/2008, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 1-3, 5-8, 29, 31, 47-51 and 53-60 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-8 and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Hsu (U.S. 6993363) and further in view of Amos (Pub. No.: 20040259544).

Regarding claim 1, Moore, JR. discloses a mobile communication a device (fig. 1, 10) comprising:

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mobile telephony circuitry configured to communicate with a mobile telephony network 30 using a mobile communication protocol (fig. 1, [0018] to [0020]. Moore, JR. discloses if the handset 10 is in the mobile network 30, the handset 10 communicates with the mobile telephone network 30 by using mobile communication protocol, e.g., the iDEN Network, TDMA, CDMA, CDMA-2000, GSM, and the like);

a service request module configured to determine proximity to a wireless network base station 15 configured to establish a communication path via the wireless data network protocol (fig. 1, [0021] to [0029]. Moore, JR. discloses that the mobile handset 10 is enabled to determine whether it is within range of the local network 15. If the handset 10 is within the range of the local network 15, the handset 10 configured to establish a communication path via the wireless data network protocol, e.g., Bluetooth.TM., IEEE 802.11b, IEEE 802.11a, IEEE 802.11g, IEEE 802.11h, IEEE 802.11e, and HomeRF. The invention also can also apply to mobile handsets that can connect to a wired local network like the Home Phone line Networking Alliance (HPNA), Home Plug, 10/100BaseT Ethernet, USB, IEEE 1394, and the like.),

wherein calls addressed to the mobile communication device 10 via the mobile telephony network 30 are forwarded to the mobile communication device 10 via the wireless network base station 15 or 26 (fig. 1, [0029]. Moore, JR. discloses telephone calls may be forwarded from the mobile telephone network 30 to the VoIP telephone network 25 when the handset 10 is within the range of the local network 15), and

a voice conversion module configured to convert between voice communication and data packets to be communicated using the wireless data network protocol with the wireless network

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base station (fig. 4, [0044]. Moore, JR. discloses that since the mobile handset 10 is dual mode. Therefore, a transceiver 130 of the mobile handset 10 enabled for communication with the mobile telephone network and the VoIP telephone network).

However, Moore, JR. does not disclose to configure to periodically send a session continuation request to the wireless network base station after the communication path is established to maintain the communication path; and power circuitry configured to selectively power the mobile telephony circuitry and the service request module, wherein the mobile telephony circuitry is powered when the mobile communication device is out of range of the wireless network base station, and wherein the service request module is powered when the mobile communication device is within range of the wireless network base station.

In an analogous art, Hus discloses to configure to periodically send a message to the wireless network base station after the communication path is established to maintain the communication path (col. 5, lines 10 to 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including periodically send a session continuation request to the wireless network base station after the communication path is established to maintain the communication path, as taught by Hsu, the motivation being in order to maintain connection between the mobile station and network.

In the same field of endeavor, Amos discloses a method comprises a power circuitry configured to selectively power the mobile telephony circuitry and the service request module, wherein the mobile telephony circuitry is powered when the mobile communication device is out

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of range of the wireless network base station, and wherein the service request module is powered when the mobile communication device is within range of the wireless network base station ([0037] to [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including a power circuitry configured to selectively power the mobile telephony circuitry and the service request module, wherein the mobile telephony circuitry is powered when the mobile communication device is out of range of the wireless network base station, and wherein the service request module is powered when the mobile communication device is within range of the wireless network base station, as taught by Amos, the motivation being in order to save battery power and network's resources.

Regarding claim 5, the combination of Moore, JR., Hus and Amos disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the wireless data network protocol includes an IEEE 802.11-based protocol ([0023]).

Regarding claim 6, the combination of Moore, JR., Hus and Amos disclose all limitation in claim 1. Further, Amos discloses the mobile communication device wherein the wireless data network protocol includes a Bluetooth-based protocol ([0033]).

Regarding claim 7, the combination of Moore, JR., Hus and Amos disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the mobile communication protocol is associated with at least one of Global System for Mobile

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communications (GSM), General Packet Radio Service (GPRS), Universal Mobile Telecommunications System (UMTS), and CDMA2000/CDMAOne ([0020]).

Regarding claim 8, the combination of Moore, JR., Hus and Amos disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the voice communication between the mobile communication device and the wireless network base station is communicated as Voice-over-IP using the data packets ([0029] to [0031]).

Regarding claim 53, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Amos discloses the mobile communication device wherein the voice conversion module converts between voice communications and Voice over Internet Protocol (VoIP) datagrams, and wherein the wireless network base station gives the VoIP data packets higher priority than other data packets ([0029] to [0032]). It is obvious that when the mobile handset 10 moves in the wireless network base station 25, the wireless network base station 25 communicates with the mobile handset by using VoIP data packets).

Regarding claim 59, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 60, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Amos discloses the mobile communication device wherein the power supply controller is manually switchable to selectively control power to the service request module or to the mobile telephony circuitry ([0009]).

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Hsu (U.S. 6993363) and further in view of Amos (Pub. No.: 20040259544) and further in view of Akhavan (U.S. 5920815).

Regarding claim 2, the combination of Moore, JR. and Hsu and Amos disclose all limitation in claim 1. However, the combination of Moore, JR. and Hsu and Amos do not disclose the mobile communication device wherein the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after the mobile communication device initiates establishing the communication path to the wireless network base station.

In an analogous art, Akhavan discloses the mobile communication device wherein the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after the mobile communication device initiates establishing the communication path to the wireless network base station (col. 17, lines 45-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including the mobile communication device wherein the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after the mobile communication device initiates establishing the communication path to the wireless network base station, as taught by Akhavan, the motivation being in order to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

Regarding claim 3, the combination of Moore, JR. and Hsu and Amos and Akhavan disclose all limitation in claim 2. Further, Akhavan discloses the mobile communication device wherein the call control message establishes redirection of calls addressing the mobile communication device via the mobile telephony network to a public

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switched telephone network address associated with the wireless network base station (col. 17, lines 45-67).

5. Claims 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Hsu (U.S. 6993363) and further in view of Amos (Pub. No.: 20040259544) and further in view of Sundar et al. (Pub. No.: 20030133421).

Regarding claim 29, the combination of Moore, JR., Hus and Amos disclose all limitation in claim 1. However, the combination of Moore, JR., Hus and Amos do not the mobile communication device wherein the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network via a modern.

In the same field of endeavor, Sundar et al. the mobile communication device wherein the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network via a modern ([0052]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including the mobile communication device wherein the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network via a modern, as taught by Sundar et al., the motivation being in order to transfer voice and communication data between network node..

Regarding claim 31, the combination of Moore, JR., Hsu and Amos and Sundar et al. disclose all limitation in claim 29. Further, Amos discloses the mobile communication device wherein the modem includes a digital subscriber line (DSL) modem ([0025]).

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Hsu (U.S. 6993363) and further in view of Amos (Pub. No.: 20040259544) and further in view of Akhavan (U.S. 5920815) and further in view of Carr et al. (U.S. 6091948).

Regarding claim 47, the combination of Moore, JR. and Hsu and Amos and Akhavan disclose all limitation in claim 1. However, the combination of Moore, JR. and Hsu and Amos and Akhavan do not disclose the mobile communication device wherein when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls.

In an analogous art, Carr et al. disclose the mobile communication device wherein when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls (col. 10, lines 11-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including disclose the mobile communication device wherein when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls, as taught by Carr et al., the motivation being

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in order to enable a mobile user to control call forwarding options when a user is within range of a local mobile station.

7. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Hsu (U.S. 6993363) and further in view of Amos (Pub. No.: 20040259544) and further in view of Byrne (U.S. 6708028).

Regarding claim 48, the combination of Moore, JR. and Hsu and Amos disclose all limitation in claim 1. However, Amos the combination of Moore, JR. and Amos do not disclose the mobile communication device wherein a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via rite wireless network base station.

In an analogous art, Byrne discloses the mobile communication device wherein a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via rite wireless network base station (col. 2, lines 34-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including the mobile communication device wherein a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via rite wireless network base station, as taught by Byrne, the motivation being in order to enable a user of the mobile device to choose which system to use.

8. Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Hsu (U.S. 6993363) and further in view of Amos (Pub. No.: 20040259544) and further in view of Wilhelm (U.S. 6950675).

Regarding claim 49, the combination of Moore, JR. and Hsu and Amos disclose all limitation in claim 1. However, Amos the combination of Moore, JR. and Amos do not disclose the mobile communication device wherein the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification.

In an analogous art, Wilhelm discloses the mobile communication device wherein the mobile communication device wherein the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification (col. 7, lines 18-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including the mobile communication device wherein the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification, as taught by Wilhelm, the motivation being in order to enable the mobile device to recognize particular radio systems.

Regarding claim 50, the combination of Moore, JR. and Hsu and Amos and Wilhelm disclose all limitation in claim 49. Further, Wilhelm discloses the mobile communication device wherein when the wireless network base station is determined to be a pre-selected wireless network base station, establishing the communication path via the wireless data network protocol (col. 7, lines 43-61).

Regarding claim 51, the combination of Moore, JR. and Hsu and Amos and Wilhelm disclose all limitation in claim 49. Further, Wilhelm discloses wherein when the wireless network base station is determined to be a pre-selected wireless network base station, querying a user whether to establish the communication path via the wireless data network protocol (col. 7, lines 43-61).

1. Claims 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Amos (Pub. No.: 20040259544) and further in view of Balogh (Pub. No.: 20010024953).

Regarding claim 54, Moore, JR. discloses a mobile communication a device (fig. 1, 10) comprising:

A mobile telephony circuitry configured to communicate with a mobile telephony network 30 using a mobile communication protocol (fig. 1, [0018] to [0020]. Moore, JR. discloses if the handset 10 is in the mobile network 30, the handset 10 communicates with the mobile telephone network 30 by using mobile communication protocol, e.g., the iDEN Network, TDMA, CDMA, CDMA-2000, GSM, and the like);

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a service request module configured to determine proximity to a wireless network base station 15 (fig. 1, [0021] to [0029]. Moore, JR. discloses that the mobile handset 10 is enabled to determine whether it is within range of the local network 15); and

a voice conversion module configured to convert between voice communication and data packets to be communicated using the wireless data network protocol with the wireless network base station (fig. 4, [0044]. Moore, JR. discloses that since the mobile handset 10 is dual mode. Therefore, a transceiver 130 of the mobile handset 10 enabled for communication with the mobile telephone network and the VoIP telephone network).

However, Moore, JR. does not disclose to determine whether the wireless network base station is a pre-determined wireless network base station, to establish a communication path with the wireless network base station via a wireless data network protocol when the wireless network base station is a pre-determined wireless network base station, and to periodically send a session continuation request to the wireless network base station after the communication path is established to maintain the communication path.

In an analogous art, Hus discloses to configure to periodically send a message to the wireless network base station after the communication path is established to maintain the communication path (col. 5, lines 10 to 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including periodically send a session continuation request to the wireless network base station after the

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communication path is established to maintain the communication path, as taught by Hsu, the motivation being in order to maintain connection between the mobile station and network.

In the same field of endeavor, Balogh discloses to determine whether the wireless network base station is a pre-determined wireless network base station, to establish a communication path with the wireless network base station via a wireless data network protocol when the wireless network base station is a pre-determined wireless network base station (fig. 4, [0039] to [0045]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including to determine whether the wireless network base station is a pre-determined wireless network base station, to establish a communication path with the wireless network base station via a wireless data network protocol when the wireless network base station is a pre-determined wireless network base station, as taught by Balogh, the motivation being in order to provide an access point with the best connection.

Regarding claim 55, the combination of Moore, JR. and Amos and Balogh disclose all limitation in claim 54. Further, Moore, JR. discloses the mobile communication device wherein the service request module is adapted to send a call forwarding request message to the wireless network base station to be forwarded to the mobile telephony network when the wireless network base station is a pre-determined wireless network base station ([0029] to [0035]).

Regarding claim 56, the combination of Moore, JR. and Amos and Balogh disclose all limitation in claim 54. Further, Moore, JR. discloses the mobile communication device wherein

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the service request module is adapted to send identification data to the wireless network base station after determining that the wireless network base station is a pre-determined wireless network base station ([0029] to [0035]).

2. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Amos (Pub. No.: 20040259544) and further in view of Balogh (Pub. No.: 20010024953) and further in view of Wilhelm (U.S. 6950675).

Regarding claim 57, the combination of Moore, JR. and Amos and Balogh disclose all limitation in claim 54. However, Amos the combination of Moore, JR. and Amos and Balogh do not disclose the mobile communication device wherein the service request module is adapted to receive a home portal identification of the wireless network base station to determine whether the wireless network base station is a pre-determined wireless network base station.

In an analogous art, Wilhelm discloses the mobile communication device wherein the service request module is adapted to receive a home portal identification of the wireless network base station to determine whether the wireless network base station is a pre-determined wireless network base station (col. 7, lines 18-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including wherein the service request module is adapted to receive a home portal identification of the wireless network base station to determine whether the wireless network base station is a pre-determined wireless network base station, as taught by Wilhelm, the motivation being in order to enable the mobile device to recognize a particular radio system.

3. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Amos (Pub. No.: 20040259544) and further in view of Balogh (Pub. No.: 20010024953) and further in view of Byrne (U.S. 6708028).

Regarding claim 58, the combination of Moore, JR. and Amos and Balogh disclose all limitation in claim 54. However, the combination of Moore, JR. and Amos and Balogh do not disclose the mobile communication device wherein the service request module is adapted to prompt a user for an indication of whether to forward calls via the wireless network base station after determining that the wireless network base station is a pre-determined wireless network base station.

In an analogous art, Byrne discloses the mobile communication device wherein the service request module is adapted to prompt a user for an indication of whether to forward calls via the wireless network base station after determining that the wireless network base station is a pre-determined wireless network base station (col. 2, lines 34-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including wherein the service request module is adapted to prompt a user for an indication of whether to forward calls via the wireless network base station after determining that the wireless network base station is a pre-determined wireless network base station, as taught by Byrne, the motivation being in order to enable a user of the mobile device to choose which system to use.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAI A. PHUONG whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dai A Phuong/
Examiner, Art Unit 2617
Date: 08/19/2008

/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2617